

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

ANA L. DIONICIO and ALEJANDRO
M. WESAW, individually, and as a
representative of a Class of Participants
and Beneficiaries of the U.S. Bank 401(k)
Savings Plan,

Plaintiffs,

v.

U.S. Bancorp, the Board of Directors of
U.S. Bancorp, and U.S. Bancorp's
Benefits Administration Committee and
U.S. Bancorp's Investment Committee,

Defendants.

Case No. 0:23-cv-00026-PJS-JFD

**DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Local Rule 7.1,
Defendants U.S. Bancorp, the U.S. Bancorp Board of Directors, U.S. Bancorp's Benefits
Administration Committee, and U.S. Bancorp's Investment Committee (together,
"Defendants" or "U.S. Bank"), by and through their undersigned counsel, hereby move to
dismiss Plaintiffs' Complaint (ECF No. 1) in its entirety and with prejudice for failure to
state a claim upon which relief may be granted. In support of this Motion, Defendants
submit the accompanying Memorandum of Law and related exhibits.

WHEREFORE, for the reasons set forth in the accompanying Memorandum of Law, Defendants respectfully request the Court grant such Motion and dismiss the Complaint in its entirety and with prejudice.

Date: March 15, 2023

/s/ Melissa D. Hill

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